

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 14 be amended to read as follows:

- 1 Page 23, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 28. IC 20-23-4-29, AS ADDED BY HEA 1288-2005,
- 3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2005]: Sec. 29. (a) This section applies to each school corporation.
- 5 (b) If a plan provides for the election of members of the governing
- 6 body of the community school corporation at a primary election, at the
- 7 time provided by IC 3-8-2 for the filing of notice of candidacies for the
- 8 primary election following the creation of the community school
- 9 corporation, nominations for members of the governing body of the
- 10 community school corporation may be made by a petition signed by the
- 11 candidates and ten (10) registered voters residing within the boundaries
- 12 of the community school corporation.
- 13 (c) A petition must be filed with the circuit court clerk of the county
- 14 that contains the greatest percentage of population of the school
- 15 corporation. If the plan requires residence in a specified district or
- 16 voting solely in a specified district for a governing body member office,
- 17 the petition must clearly state the residence or electoral district from or
- 18 for which the person is a candidate. If a school corporation is located
- 19 in more than one (1) county, the circuit court clerk shall, after
- 20 determining that a petition complies with subsection (b), promptly
- 21 certify to each circuit court clerk of a county in which the school
- 22 corporation is located, the names of the candidates to be placed on the
- 23 ballot.
- 24 (d) If a plan provides for an election of members of the governing

body at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period before the general election as would have been required before the primary election had the election been held at the latter time.

(e) All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ **IC 3-11** but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for governing board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(f) If the plan provides that the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ **IC 3-11** without party designation. Candidates elected shall be those having the greatest number of votes.

(g) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~ **IC 3-11** by residence districts without party designation. The ballot must state the:

- (1) number of members to be voted upon; and
- (2) maximum number that may be elected from each residence district as provided in the plan.

A ballot is not valid if a voter votes for more than the maximum number of members that are determined under subdivision (2). Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(h) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot:

- (1) in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~; **IC 3-11**;
- and
- (2) without party designation.

The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected."

Page 23, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 32. IC 33-28-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The jury commissioners shall immediately, from the names of:

(1) legal voters **of the county; and**

(2) citizens of the United States on the latest tax duplicate and the tax schedules of the county; **and**

(3) **individuals who:**

(A) **reside in the county; and**

(B) **have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles;**

examine for the purpose of determining the sex, age, and identity of prospective jurors, and proceed to select and deposit, in a box furnished by the clerk for that purpose, the names, written on separate slips of paper of uniform shape, size, and color, of twice as many persons as will be required by law for grand and petit jurors in the courts of the county, for all the terms of the courts, to begin with the following calendar year.

(b) Each selection shall be made as nearly as possible in proportion to the population of each county commissioner's district. In making the selections, the jury commissioners shall in all things observe their oaths. The jury commissioners shall not select the name of any person who is to them known to be interested in or has a case pending that may be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of voters lists, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

(1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.

(2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.

(3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body, the

jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The commissioners shall observe their oath in all activities taken under this subsection.

(f) The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county commissioner's district. The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. These supplemental lists may not be substituted for the voter registration list. The jury commissioners may not draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules.

SECTION 33. IC 33-28-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) **A person may not be automatically excused from acting as a juror under this chapter.** A person shall be excused from acting as a juror if the person **requests to be excused before being sworn as a juror and:**

- ~~(1)~~ **(1)** is at least sixty-five (65) years of age;
- ~~(2)~~ **(1)** is a member in active service of the armed forces of the United States;
- ~~(3)~~ **(2)** is an elected or appointed official of the executive, legislative, or judicial branches of government of:
  - (A) the United States;
  - (B) Indiana; or
  - (C) a unit of local government;
 who is actively engaged in the performance of the person's official duties;
- ~~(4)~~ **(3)** is a member of the general assembly who makes the request to be excused before being sworn as a juror;
- ~~(5)~~ **(4)** is an honorary military staff officer appointed by the governor under IC 10-16-2-5;
- ~~(6)~~ **(5)** is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;
- ~~(7)~~ **(6)** is a veterinarian licensed under IC 15-5-1-1;
- ~~(8)~~ **(7)** is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;
- ~~(9)~~ **(8)** is a dentist licensed under IC 25-14-1;

~~(+)~~ (6) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or

~~(+)~~ (7) would serve as a juror during a criminal trial and the person is:

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(B) the spouse or child of a person described in clause (A).

~~and desires to be excused for that reason:~~

**(b) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:**

**(1) The prospective juror has not previously been granted a deferral.**

**(2) The prospective juror requests a deferral by contacting the jury commissioner:**

**(A) by telephone;**

**(B) by electronic mail;**

**(C) in writing; or**

**(D) in person.**

**(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:**

**(A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and**

**(B) a date when the court will be in session.**

**(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:**

**(A) hardship;**

**(B) extreme inconvenience; or**

**(C) necessity.**

~~(b)~~ **(c) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:**

**(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.**

**(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.**

**(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then**

subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

~~(c)~~ (d) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

~~(d)~~ (e) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

~~(e)~~ (f) The same petit jurors may be used in civil cases and in criminal cases.

~~(f)~~ (g) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

~~(g)~~ (h) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section and except as provided in subsections ~~(c)~~, (i), ~~(d)~~, (j), and ~~(f)~~, (m), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

~~(h)~~ (i) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

(4) Whether the person still presents a threat to the victim of the crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection ~~(f)~~ (j) or whether the

1 person has committed a subsequent offense.

2 ~~(j)~~ (j) The court may condition the restoration of a person's right to  
3 possess a firearm upon the person's completion of specified conditions.

4 ~~(k)~~ (k) If the court denies a petition for restoration of the right to  
5 possess a firearm, the person may not file a second or subsequent  
6 petition until one (1) year has elapsed.

7 ~~(l)~~ (l) A person has not been convicted of a crime of domestic  
8 violence for purposes of subsection ~~(h)~~ (i) if the conviction has been  
9 expunged or if the person has been pardoned.

10 ~~(m)~~ (m) The right to possess a firearm shall be restored to a person  
11 whose conviction is reversed on appeal or on postconviction review at  
12 the earlier of the following:

13 (1) At the time the prosecuting attorney states on the record that  
14 the charges that gave rise to the conviction will not be refiled.

15 (2) Ninety (90) days after the final disposition of the appeal or the  
16 postconviction proceeding.

17 SECTION 34. IC 33-28-4-10 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) A person who appears for  
20 service as a petit or grand juror serves until the conclusion of the  
21 first trial in which the juror is sworn, regardless of the length of the  
22 trial or the manner in which the trial is disposed. A person who  
23 appears for service but is not selected and sworn as a juror  
24 completes the person's service at the end of one (1) day.**

25 **(b) A person who:**

26 **(1) serves as a juror under this chapter; or**

27 **(2) completes one (1) day of jury selection but is not chosen to  
28 serve as a juror;**

29 **may not be selected for another jury panel for at least two (2) years  
30 unless all nonexempt individuals for jury service compiled under  
31 section 3 of this chapter have been called.**

32 **(c) The employer of a person who:**

33 **(1) is summoned to serve as a juror; and**

34 **(2) notifies the employer of the jury summons:**

35 **(A) within a reasonable period after receiving the jury  
36 summons; and**

37 **(B) before the person appears for jury duty;**

38 **may not subject the person to any adverse employment action as  
39 the result of the person's jury service.**

40 **(d) An employee may not be required or requested to use annual  
41 leave, vacation leave, or sick leave for time spent:**

42 **(1) responding to a summons for jury duty;**

43 **(2) participating in the jury selection process; or**

44 **(3) serving on a jury.**

45 **This subsection does not require an employer to provide annual  
46 leave, vacation leave, or sick leave to an employee who is not**

otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee already performing jury service. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a deferral under section 8(b) of this chapter.

SECTION 35. IC 33-28-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. As used in this chapter, "master list" means:

- (1) a serially printed list;
- (2) a magnetic tape;
- (3) an Addressograph file;
- (4) a punched card file;
- (5) a computer record; or
- (6) another form of record determined by the supervising judge to be consistent with this chapter;

that fosters the policy and protects the rights secured by this chapter, contains all current, up-to-date voter registration lists for each precinct in the county, **the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county, and the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles,** and is supplemented by names derived from other sources identified under this chapter.

SECTION 36. IC 33-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury commissioner shall compile and maintain a master list consisting of:

- (1) all the voter registration lists for the county;
- (2) **the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county; and**
- (3) **the names of all individuals who reside in the county and have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles.**

(b) **The master list in subsection (a) shall be** supplemented with names from other lists of persons resident in the county that the supreme court shall periodically designate as necessary to obtain the broadest cross-section of the county, having determined that use of supplemental lists is feasible. The supreme court may designate supplemental lists for use by the courts periodically in a manner that



fosters the policy and protects the rights secured by this chapter.  
Supplemental sources may consist of lists of:

- (1) utility customers;
- (2) property taxpayers; and
- (3) persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses.

Supplemental lists may not be substituted for the voter registration list, **tax schedules, or the driver's license and identification card list.** In drawing names from supplemental lists, the jury commissioner shall avoid duplication of names.

~~(b)~~ (c) A person who has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection ~~(a)~~ (b) by the supreme court as supplementary sources of names, shall furnish the master list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

~~(c)~~ (d) When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the courts.

~~(d)~~ (e) The master list of names is open to the public for examination as a public record. However, the source of names and any information other than the names contained in the source is confidential.

SECTION 37. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

- (1) the juror qualification form;
- (2) correspondence from the prospective juror; or
- (3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

**(c) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:**

- (1) The prospective juror has not previously been granted a**

1        **deferral.**

2        **(2) The prospective juror requests a deferral by contacting the**  
 3        **jury commissioner:**

4            **(A) by telephone;**

5            **(B) by electronic mail;**

6            **(C) in writing; or**

7            **(D) in person.**

8        **(3) The prospective juror selects another date on which the**  
 9        **prospective juror will appear for jury service that is:**

10           **(A) not more than one (1) year after the date upon which**  
 11           **the prospective juror was originally scheduled to appear;**  
 12           **and**

13           **(B) a date when the court will be in session.**

14        **(4) The court determines that the prospective juror has**  
 15        **demonstrated that a deferral is necessary due to:**

16           **(A) hardship;**

17           **(B) extreme inconvenience; or**

18           **(C) necessity.**

19        ~~(c)~~ **(d)** A person who is not disqualified for jury service may be  
 20        excused from jury service only upon a showing of:

21           (1) undue hardship;

22           (2) extreme inconvenience; or

23           (3) public necessity;

24        until the time of the next drawing when the person is resummoned.  
 25        Appropriate records must be maintained by the jury commissioner to  
 26        facilitate resummoning.

27        ~~(d)~~ **(e)** Requests for excuse, other than those accompanying the  
 28        return of the qualification form, must be made by the prospective juror  
 29        in writing to the jury commissioner not later than three (3) days before  
 30        the date when the prospective juror has been summoned to appear.

31        SECTION 38. IC 33-28-5-23 IS AMENDED TO READ AS  
 32        FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who  
 33        appears for service as a petit or grand juror serves until the conclusion  
 34        of the first trial in which the juror is sworn, regardless of the length of  
 35        the trial or the manner in which the trial is disposed. A person who  
 36        appears for service but is not selected and sworn as a juror completes  
 37        the person's service at the end of one (1) day.

38        (b) A person who:

39           (1) serves as a juror under this chapter; or

40           (2) completes one (1) day of jury selection but is not chosen to  
 41           serve as a juror;

42        may not be selected for another jury panel ~~until all nonexempt persons~~  
 43        ~~on the master list have been called for jury duty.~~ **for at least two (2)**  
 44        **years unless all nonexempt individuals for jury service on the**  
 45        **master list described in section 13 of this chapter have been called.**

46        (c) The employer of a person who:

47           (1) is summoned to serve as a juror; and

1           **(2) notifies the employer of the jury summons:**

2               **(A) within a reasonable period after receiving the jury**  
 3               **summons; and**

4               **(B) before the person appears for jury duty;**

5           **may not subject the person to any adverse employment action as**  
 6           **the result of the person's jury service.**

7           **(d) An employee may not be required or requested to use annual**  
 8           **leave, vacation leave, or sick leave for time spent:**

9               **(1) responding to a summons for jury duty;**

10              **(2) participating in the jury selection process; or**

11              **(3) serving on a jury.**

12           **This subsection does not require an employer to provide annual**  
 13           **leave, vacation leave, or sick leave to an employee who is not**  
 14           **otherwise entitled to these benefits.**

15           **(e) If:**

16              **(1) a prospective juror works for an employer with ten (10) or**  
 17              **fewer full-time employees (or their equivalent);**

18              **(2) another employee of the employer described in subdivision**  
 19              **(1) is performing jury service; and**

20              **(3) the prospective juror or the person performing jury**  
 21              **service notifies the court that they both work for the same**  
 22              **employer;**

23           **the court shall reschedule the prospective juror's jury service for**  
 24           **a date that does not overlap with the jury service of the other**  
 25           **employee. The rescheduling of jury service under this subsection**  
 26           **does not affect the prospective juror's right to a deferral under**  
 27           **section 18(c) of this chapter.**

28           **SECTION 39. IC 33-28-6-6 IS AMENDED TO READ AS**  
 29           **FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this**  
 30           **chapter, "master list" means:**

31              **(1) all current, up-to-date voter registration lists for each precinct**  
 32              **in the county;**

33              **(2) the names of all citizens of the United States on the latest**  
 34              **tax duplicate and the tax schedules of the county; and**

35              **(3) a list of all individuals who reside in the county and who**  
 36              **have obtained a driver's license or identification card under**  
 37              **IC 9-24 from the bureau of motor vehicles;**

38           **supplemented with names from other sources prescribed pursuant to**  
 39           **this chapter, in order to foster the policy and protect the rights secured**  
 40           **by this chapter. The master list may be in the form of a serially printed**  
 41           **list, a magnetic tape, an Addressograph file, punched cards, or such**  
 42           **other form considered by the chief judge to be consistent with this**  
 43           **chapter.**

44           **SECTION 40. IC 33-28-6-13 IS AMENDED TO READ AS**  
 45           **FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury**  
 46           **commissioner shall compile and maintain a master list consisting of:**

47              **(1) all the voter registration lists for the county;**

1           **(2) the names of all citizens of the United States on the latest**  
 2           **tax duplicate and the tax schedules of the county; and**

3           **(3) a list of all individuals who reside in the county and who**  
 4           **have obtained a driver's license or identification card under**  
 5           **IC 9-24 from the bureau of motor vehicles;**

6           supplemented with names from other lists of persons resident in the  
 7           county that the supreme court shall periodically designate as necessary  
 8           to obtain the broadest cross-section of the county, having determined  
 9           that use of the supplemental lists is feasible. The supreme court shall  
 10          exercise the authority to designate supplemental lists periodically in  
 11          order to foster the policy and protect the rights secured by this article.  
 12          The supplemental sources may include lists of utility customers,  
 13          property taxpayers, and persons filing income tax returns, motor vehicle  
 14          registrations, city directories, telephone directories, and driver's  
 15          licenses. Supplemental lists may not be substituted for the voter  
 16          registration list. In drawing names from supplemental lists, the jury  
 17          commissioner shall avoid duplication of names.

18          (b) Whoever has custody, possession, or control of any of the lists  
 19          making up or used in compiling the master list, including those  
 20          designated under subsection (a) by the supreme court as supplementary  
 21          sources of names, shall furnish the list to the jury commissioner for  
 22          inspection, reproduction, and copying at all reasonable times.

23          (c) When a copy of a list maintained by a public official is furnished,  
 24          only the actual cost of the copy may be charged to the court.

25          (d) The master list of names shall be open to the public for  
 26          examination as a public record, except that the source of names and any  
 27          information other than the names contained in that source may not be  
 28          public information.

29          SECTION 41. IC 33-28-6-19 IS AMENDED TO READ AS  
 30          FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~A qualified~~  
 31          ~~prospective juror is not~~ **(a) A person may not be automatically**  
 32          **excused from jury service under this chapter. The following**  
 33          **persons are exempt from jury service but must request to be excused**  
 34          **from jury service before being sworn in as a juror: except for the**  
 35          ~~following:~~

36               (1) Members in active service of the armed forces of the United  
 37               States who are actively engaged in the performance of their  
 38               official duties.

39               (2) Elected or appointed officials of the executive, legislative, or  
 40               judicial branches of government of the:

41                   (A) United States;

42                   (B) State of Indiana; or

43                   (C) counties affected by this chapter;  
 44               who are actively engaged in the performance of their official  
 45               duties.

46               (3) A person who:

47                   (A) would serve as a juror during a criminal trial; and

(B) is:

- (i) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or
- (ii) the spouse or child of a person described in item (i); and desires to be excused for that reason.

**(b) A person may not be automatically deferred from jury service under this section. A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:**

**(1) The prospective juror has not previously been granted a deferral.**

**(2) The prospective juror requests a deferral by contacting the jury commissioner:**

- (A) by telephone;**
- (B) by electronic mail;**
- (C) in writing; or**
- (D) in person.**

**(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:**

- (A) not more than one (1) year after the date on which the prospective juror was originally scheduled to appear; and**
- (B) a date when the court will be in session.**

**(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:**

- (A) hardship;**
- (B) extreme inconvenience; or**
- (C) necessity.**

SECTION 42. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

**(b) A person who:**

- (1) serves as a juror under this chapter; or**
- (2) completes one (1) day of jury selection but is not chosen to serve as a juror;**

**may not be selected for another jury panel for at least two (2) years unless all nonexempt individuals for jury service on the master list described in section 13 of this chapter have been called.**

1 (c) The employer of a person who:

2 (1) is summoned to serve as a juror; and

3 (2) notifies the employer of the jury summons:

4 (A) within a reasonable period after receiving the jury  
5 summons; and

6 (B) before the person appears for jury duty;

7 may not subject the person to any adverse employment action as  
8 the result of the person's jury service.

9 (d) An employee may not be required or requested to use annual  
10 leave, vacation leave, or sick leave for time spent:

11 (1) responding to a summons for jury duty;

12 (2) participating in the jury selection process; or

13 (3) serving on a jury.

14 This subsection does not require an employer to provide annual  
15 leave, vacation leave, or sick leave to an employee who is not  
16 otherwise entitled to these benefits.

17 (e) If:

18 (1) a prospective juror works for an employer with ten (10) or  
19 fewer full-time employees (or their equivalent);

20 (2) another employee of the employer described in subdivision

21 (1) is performing jury service; and

22 (3) the prospective juror or the employee performing jury  
23 service notifies the court that they both work for the same  
24 employer;

25 the court shall reschedule the prospective juror's jury service for  
26 a date that does not overlap with the jury service of the employee

1     **already performing jury service. The rescheduling of jury service**  
2     **under this subsection does not affect the prospective juror's right**  
3     **to a deferral under section 19(b) of this chapter."**

4     Renumber all SECTIONS consecutively.  
      (Reference is to ESB 14 as printed March 25, 2005.)

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Representative Mays